

The Commission is concerned that the initial deadline for filing comments, December 26, 1995, falls at an inconvenient time, in the midst of the holiday season. As a courtesy to those planning to file comments on the draft rules and in the interest of obtaining comments based on a thorough review of the draft rules, the Commission has conferred this extension. It is Ordered:

1. Comments addressing the draft rules published at 60 FR 54981-89 are now due on January 8, 1996.

2. The Secretary shall publish this Notice and Order in the Federal Register.

Issued by the Commission on December 12, 1995.

Margaret P. Crenshaw,
Secretary.

[FR Doc. 95-30640 Filed 12-15-95; 8:45 am]

BILLING CODE 7710-FW-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-141; RM-8642]

Radio Broadcasting Services; Frederiksted, VI and Culebra and Carolina, PR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: The Commission dismisses the petition for rule making filed by Jose J. Arzuaga, proposing the allotment of Channel 298B1 at Frederiksted, Virgin Islands, as its third local FM transmission service (RM-8642). See 60 FR 46563, September 7, 1995. We also dismiss petitioner's counterproposal to allotment Channel 293B in lieu of Channel 298B1 at Frederiksted, Virgin Islands, and to allot Channel 298B1 at Culebra, Puerto Rico. The petitioner has abandoned his interest in a Class B1 allotment at Frederiksted, Virgin Islands, and there are no other timely expressions of interest for the channel. In addition, petitioner's counterproposal is not consistent with the Commission's technical requirements. With this action, this proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95-141, adopted November 30, 1995, and released December 11, 1995. The full text of this Commission decision is available for inspection and copying

during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-30615 Filed 12-15-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Parts 73 and 76

[MM Docket No. 95-176; FCC 95-484]

In the Matter of Closed Captioning and Video Description of Video Programming

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: This Notice of Inquiry solicits comment on the current availability, cost, and uses of closed captioning and video description of television video programming. This information will provide the Commission a record on these important services, which benefit individuals with disabilities. It will also enable the Commission to assess what further actions may be appropriate to promote these services.

DATES: Interested parties may file comments on or before January 29, 1996, and reply comments on or before February 14, 1996.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Charles Logan, (202) 776-1653.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Inquiry in MM Docket No. 95-176, FCC 95-484, adopted December 1, 1995 and released on December 4, 1995. The complete text of this Notice is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, N.W., Suite 140, Washington, DC 20037, (202) 857-3800.

Synopsis of Notice of Inquiry

1. The Notice seeks information on the current availability, cost, and uses of closed captioning and video description, and also asks comment on what further Commission actions may be appropriate to promote these services. It also seeks comment on the appropriate means of promoting their wider use in programming delivered by television broadcasters, cable operators, and other video programming providers.

I. Background

2. Captioning is similar to subtitles in that it displays the audio portion of a television signal as printed words on the television screen. To assist viewers who are hearing disabled, captions also identify speakers, sound effects, music, and laughter. Video description provides audio descriptions of a program's key visual elements that are inserted during the natural pauses in the program's dialogue.

3. Both the Senate and the House of Representatives have passed bills (H.R. 1555 and S. 652), which, if enacted, would require the Commission to adopt regulations to ensure that video programming is accessible to persons with hearing disabilities through the provision of closed captioning, including requiring "video programming providers or owners" to maximize the accessibility of previously published or exhibited programs by adding closed captioning. Both bills would allow the Commission to exempt programs from these requirements in certain circumstances, including circumstances where the closed captioning would impose an unreasonable financial burden. The House bill would require the Commission to conduct an inquiry into the current extent of closed captioning as well as other issues. In addition, both bills would require the Commission to study the use of video description. The House bill further provides that the Commission may adopt regulation it deems necessary to promote the accessibility of video programming to persons with visual impairments.

II. The Public Interest Benefits of Closed Captioning and Video Description

4. The Notice asks parties to elaborate on the importance and nature of the public interest benefits of closed captioning and video description. It asks parties to submit information regarding the number of individuals with hearing and vision disabilities in this country who can benefit from these innovations, including the basis for such estimates.

Are the number of persons with hearing and vision disabilities expected to grow in the coming years, particularly due to the aging of the population? What proportion of the persons with such disabilities require closed captioning or video description to enjoy television programming, and what proportion currently utilize these technologies? In addition, the Commission requests comment on the number of children with hearing and vision disabilities that can benefit from either closed captioning or video description, and the nature of these benefits. The Notice also seeks comments on other public interest benefits of closed captioning and video description, such as teaching literacy skills to children and illiterate adults.

III. Availability of Closed Captioning and Video Description

5. The Notice asks commenters to provide data regarding the current availability of closed captioning of television video programming. Has the amount of closed captioning been increasing in recent years, or has it reached a plateau? The Commission is particularly interested in data on availability and any discernible trends regarding the following categories: (1) *Program Source*. What is the current availability of closed captioning according to the source of the programming—broadcast network, basic cable and premium cable networks, syndicated programming, locally-produced programming, local and nationally produced public television programming? (2) *Other Delivery Systems*. To what extent is programming carried on wireless cable, satellite master antenna systems, direct-to-home satellite services (including direct broadcast satellite), and local exchange carriers/video dialtone services closed captioned? (3) *Program Type*. To what extent are each of the following types of programs closed captioned (on the media within the scope of FCC jurisdiction): entertainment programs, local and national news, documentaries, public affairs programming, children's educational programming, other types of children's programming, sports, movies, cable public access programming, and live vs. pre-recorded programming? (4) *Previously Published Programming*. The Commission solicits comment on the extent of closed captioning of previously published or exhibited programs, such as reruns and movies, that will be shown to television audiences again. (5) *Market Size and Other Factors*. The Commission also requests comment on the degree to which closed captioning varies by the size of the video programming provider

or producer, by market size, and by whether an entity is affiliated with a broadcast network or multiple cable system operator.

6. The Commission also seeks comment on the current availability of video description, including its availability within each of the categories described in its discussion of the availability of closed captioning. It also requests comment on the estimated number of U.S. households that have stereo television receivers, a VCR, or television adaptor capable of receiving video descriptions via the Second Audio Program channel.

7. The Commission asks parties to comment on the impact that implementation of Advanced Television ("ATV"), and the use of digital technology, may have on the provision of closed captioning and video description on video programming carried by broadcasters and other program providers.

IV. The Cost of Closed Captioning and Video Description

8. The Notice requests information on the current costs of providing closed captioning and video description of new as well as previously published or exhibited television programming. What is the cost of the computer hardware and software, as well encoding and other equipment, necessary for these services? What are the current rates for closed captioning and video description services for both prerecorded and live, "real-time" programming? Are these rates uniform throughout the country? Do the rates vary by program type, the type of delivery system, or other factors? What is the overall cost of providing closed captioning or video description of different types of programs?

9. The Commission also requests comment on the adequacy of the supply of closed captioning and video description services. In addition, it seeks comment on the governmental and nongovernmental funding sources for these services.

V. Market Incentives for Closed Captioning and Video Description

10. The Notice solicits comment on the role free-market forces have played and can play in promoting the provision of closed captioning of video programming. For example, are advertisers actively seeking to market to individuals with hearing impairments, which could in turn encourage closed captioning of television programming? How does the audience size of a particular program influence the likelihood that the program will be closed captioned? Are there presently a

sufficient number of decoder-equipped television receivers in the market to provide the hoped-for incentive for the television industry to provide closed captioning? The Commission also requests comment on the role market-based incentives can play in fostering video description.

VI. Inquiry Regarding Mandatory Captioning and Video Description Requirements

11. As noted, there is legislation pending in Congress that generally would require closed captioning of video programming and which would require the Commission to examine the means of promoting video description. Before these mandatory requirements become law, the legislation must pass both Houses of Congress and be signed by the President. Alternatively, the Commission could assess the possibility of adopting regulatory requirements in this area under its existing statutory authority. The Commission is not presently proposing such action, but it requests comment on the general form any mandatory closed captioning or video description requirements should take if they are deemed necessary. It particularly seeks comment on the following matters: (1) The application of mandatory requirements (i.e., which entities (e.g., program producers, video programming distributors) should be subject to any mandatory requirements); (2) Exemptions to any mandatory requirements due to financial burden or other factors; (3) Technical and quality standards; (4) The appropriate timetables for implementing any closed captioning or video description requirements that may be imposed; (5) Strategies to improve competition and innovation in the provision of these services.

12. The pending Senate and House bills, if enacted, would provide express statutory authority for imposing mandatory closed captioning requirements. The House bill would also permit the Commission to adopt regulations to promote the accessibility of video programming to persons with visual disabilities after conducting an inquiry into video description. However, the Commission seeks comment on the scope of its authority under current law to adopt regulations imposing either closed captioning or video description requirements on broadcast television licensees, cable operators, wireless cable systems, SMATV operators, direct-to-home satellite services, and local exchange carrier/video dialtone systems, as well as on producers/owners and other distributors of such programming.

Commenters should address with specificity the basis for their views concerning the Commission's authority, and also address any other legal constraints that they believe may apply in this area.

Administrative Matters

13. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before January 29, 1996, and reply comments on or before February 14, 1996. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, parties must file an original and four copies of all comments, reply comments and supporting comments. If parties want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

14. There are no *ex parte* or disclosure requirements applicable to this proceeding pursuant to 47 CFR § 1.1204(a)(4).

List of Subjects

47 CFR Part 73

Television broadcasting.

47 CFR Part 76

Cable television.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95-30549 Filed 12-15-95; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 8, 10, 15, 31, 32, 42, 45, 52 and 53

[FAR Case 90-017, 90-054, 91-039, 91-057, 91-093, 91-111, 91-114, 91-117, 92-033, & 92-044]

Federal Acquisition Regulation; Withdrawal of Proposed Rules

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule withdrawals.

SUMMARY: The Department of Defense, General Services Administration, and National Aeronautics and Space Administration have decided to withdraw ten proposed rules without further action. The actual text of the Federal Acquisition Regulation is unaffected by this document.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly Fayson, FAR Secretariat, Room 4037, GS Building, Washington, DC 20405 (202) 501-4755.

SUPPLEMENTARY INFORMATION:

Background

On July 21, 1995, the Councils agreed to withdraw the following five proposed rules because the Director of Defense Procurement is conducting an initiative to rewrite FAR Part 45, Government Property, to make the Government property regulations easier to understand and less burdensome for both Government and industry. The issues addressed by these rules will be considered under the Part 45 Rewrite initiative.

FAR Case 91-057, Disposal of Hazardous Government Property

Published at 59 FR 14464, March 28, 1994, to provide guidance relating to the identification and appropriate disposition of hazardous Government property. [RIN 9000-AF62]

FAR Case 91-093, Special Tooling Under Fixed-Price Contracts

Published at 59 FR 14462, March 28, 1994, to amend the Government's policy on managing and controlling special tooling for which the Government has the right to title. [RIN 9000-AF66]

FAR Case 91-111, Commercially Available Government-Furnished Material

Published at 59 FR 46557, September 2, 1994, to require contractors to provide all material for performing Government contracts, except when Government-furnished material is necessary to achieve significant economy, standardization, or expedited production, or when it is otherwise in the Government's interest. [RIN 9000-AF95]

FAR Case 91-114, Use of Government Facilities on a No-Charge Basis

Published at 59 FR 45657, September 2, 1994, to include two clauses to provide controls on the use of Government property by identifying the items of property furnished under a contract or used on a no-charge basis, and by describing the obligation of both parties with regard to the property. [RIN 9000-AF96]

FAR Case 91-117, Use and Charges Clause

Published at 60 FR 22442, May 5, 1995, to clarify current language pertaining to rental payments for Government-owned real property and equipment. [RIN 9000-AG23]

The councils agreed to withdraw the following two proposed rules because the Department of Defense decided to retain the guidance in the Defense Federal Acquisition Regulation supplement.

FAR Case 91-39, Voluntary Refunds

Published at 56 FR 40716, August 15, 1991, to establish guidance on solicitation and acceptance of voluntary refunds from contractors. [RIN 9000-AE11]

FAR Case 90-54, Defective Pricing

Published at 55 FR 50534, December 6, 1990, to revise policies affecting defective pricing reductions. [RIN 9000-AE23]

The councils also agreed to withdraw the following three proposed rules because the issues addressed in these rules have been superseded by other regulations including regulations implementing the Federal Acquisition Streamlining Act of 1994.

FAR Case 90-017, Exemptions from Cost or Pricing Data

Published at 55 FR 36774, September 6, 1990, to minimize administrative impediments in the procedures for claiming and granting exemptions from the requirements for submission of certified cost or pricing data, and the